

REMARKS

OBJECTIONS TO THE SPECIFICATION

Applicants disagree that the bonds to the structural formulas of the moieties on pages 22, 27(brackets) and 36 are unclear. Applicants assert that one skilled in the art of medicinal organic chemistry would readily understand that the structural formulas of the moieties would be attached to the oxygen atoms in place of R², or R³ or R⁵ to form an ester moiety attached to the sugar portion of the compound of formula II.

The specification also stands objected to for having numerous informalities on numerous pages. Applicants respectfully request clarification of precisely what informalities need to be corrected and Applicants will correct them.

DOUBLE PATENTING REJECTIONS

Claims 1-5 and 15 stand provisionally rejected under the judicially-created doctrine of obviousness type double patenting over various claims in co-pending, commonly-owned application Serial No, 09.837,609.

Applicants are enclosing a terminal disclaimer properly executed in accordance with 37 CFR1.130(b).

Claims 1-5 stand provisionally rejected under the judicially-created doctrine of obviousness type double patenting over various claims in co-pending, commonly-owned U.S. Patent No. 6,271,830 B1.

Applicants are enclosing a terminal disclaimer properly executed in accordance with 37 CFR1.130(b).

CLAIM OBJECTIONS

Claims 1,3,5, and 13 stand objected to for various informalities.

Applicants are amending the claims to correct the informalities and thank the Examiner for bringing them to their attention.

CLAIM REJECTIONS UNDER 35 U.S.C. § 112

Claims 1-17 stand rejected under 35 U.S.C. § 112, second paragraph, for being indefinite.

Applicants are amending claim 1 to delete the variable "Y". Basis for the amendment is found for example page 6, line 6.

Applicants assert that one skilled in the organic and medicinal chemistry arts would readily ascertain the scope of claim 1 and clearly understand the meaning of the variables for R^{2'}, R^{3'} and R^{5'}. In the example that the Examiner has given in the Official Action in paragraph 9, it is readily clear to one skilled in the art that R^{3'} could be H, and R^{5'} could be the same as R^{2'}.

Applicants also assert that one skilled in the organic and medicinal chemistry arts and reading the definition and examples of "heterocyclic" provided in the specification, for example on page 21, line 28 to page 22, line 14 would readily understand that I and J could not both be carbon or the ring would not be a heterocyclic moiety.

Claims 3 and 4 stand rejected for lacking an action step and claim 5 stands rejected for lacking a conjunction.

Applicants are amending claims 3 and 4 to add the word "administering" and to add the word "and" to claim 5. Applicants thank the Examiner for bringing these informalities to their attention.

Claims 6 and 7 stand rejected for lacking antecedent basis in claim 6, and for use of abbreviations in claims 6 and 7.

Applicants are amending claim 4 to provide antecedent basis and are defining the abbreviations in claim 6.

Claims 13 and 14 stand rejected for being indefinite in the linkage of the moieties R⁵.

Applicants assert that one skilled in the organic and medicinal chemistry arts would readily understand that R⁵ are "alkanoyl" or "acyl" groups that would bond to the oxygen atom in formula II to form an ester.

Claims 12 and 15 stand rejected for being indefinite or unclear or ambiguous. Applicants assert that one skilled in the art would readily understand that the "X" variable could be attached to the 2 or 3 carbon in the benzoyl moiety and that the two "X's" could be attached to the 2 or 3 carbon and the 4 or 5 carbon in the other benzoyl moiety.

Claim 15 stands rejected for use of the abbreviation HCV-RNA .

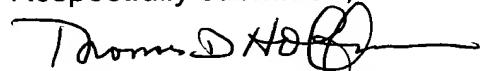
Applicants are amending claim 4 to specify that "hepatitis C viral" infection is a HCV infection. The abbreviation RNA needs no definition; it would be readily understood to one skilled in the organic and medicinal chemistry arts to which this application pertains.

Claims 6-7 stand objected to for the word administered and for the terms TIW and QOD.

Applicants are amending claims 6 –7 to delete ‘administered” and to define TIW as three times a week and QOD as every other day> Basis for the definition TIW is found in the specification; the definition of QOD is found in the Dictionary Of Abbreviations in Medicine and the Health Sciences, Harold K. Hughes, Lexington Books, Lexington MA,1977 at page 239.

If the undersigned attorney can be of any assistance in advancing prosecution, please contact him.

Respectfully submitted,



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Dictionary of Abbreviations in Medicine and the Health Sciences

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- reek: pyknos)
pyle)
reek: pyloros)

pyocyanea

ogy (journal)

e of band-width; part of
uadrilateral; quart; quar-

orps
rvice

raction
- Q-gas** mixture of helium and 1.3% butane
qh every hour (Latin: *quaque hora*)
q2h every two hours (Latin: *quaque secunda hora*)
QHNS Queen's Honorary Nursing Sister
q hor every hour (Latin: *quaque hora*)
QHP Queen's Honorary Physician
QHS every bedtime (Latin: *quaque hora somni*); Queen's Honorary Surgeon
qid four times a day (Latin: *quater in die*)
QIDN Queen's Institute of District Nursing
QJEPCMS Quarterly Journal of Experimental Physiology and Cognate Medical Sciences
QJM Quarterly Journal of Medicine (APGBI)
QJPP Quarterly Journal of Pharmacy and Pharmacology
QJSA Quarterly Journal of Studies on Alcohol
ql as much as wanted (Latin: *quantum libet*)
qm every morning (Latin: *quaque mane*)
QM Quebec Medical (journal, formerly Montreal Medical); quinacrine mustard
qn every night (Latin: *quaque nocte*)
QNI Queen's Nursing Institute (UK)
QNJ Queen's Nursing Journal (QNI, UK)
q noc every night (Latin: *quaque noce*)
qns quantity not sufficient to run test
QNS Queen's Nursing Sister
qod every other day (Latin)
QOH every other hour (Latin)
qon every other night (Latin)
qp as much as you please (Latin: *quantum placeat*)
QP qualified psychiatrist; quanti-Pirquet reaction; quartz prism
QPM every night (*quaque post meridiem*)
qq each, every (Latin: *quodque, quaeque*)
qqh every four hours (Latin: *quaque quarta hora*)
qq hor every hour (Latin: *quaque hora*)
QR the quantity is correct (Latin: *quantum rectum*)
QRB Quarterly Review of Biology (journal)
QRS part of electroencephalographic wave
QRZ wheal reaction time (German: *Quaddel reaktion zeit*)
qs enough or quantity sufficient (Latin: *quantum sufficiat or satis*)
QS AD a quantity sufficient to make (Latin)
q suff as much as necessary (Latin: *quantum sufficit*)
qt quiet
Qt quantity; quart
QT Quick Tan (dihydroxy-acetone); Quick's test; quiet
quad four times (Latin: *quadruplicato*)
quadr- combining form meaning four (Latin)
Quak Quaker
qual qualitative; quality
quant quantitative; quantity